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Attorneys for Plaintiff
CHERISH M. SMITH

Attorneys for Defendant
THE PROCTER & GAMBLE CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHERISH M. SMITH, as an individual, and
on behalf of all other similarly situated,

Plaintiff,

v.

THE PROCTER & GAMBLE CO., a Ohio
corporation doing business as CREST,

Defendant.

Case No. 3:12-cv-00557-EDL

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER POSTPONING
CASE MANAGEMENT
CONFERENCE**

Pursuant to Civil Local Rule 6-1(b), all parties to this action, through their duly authorized undersigned counsel, stipulate and request as follows:

WHEREAS, pursuant to Plaintiff Cherish M. Smith ("Plaintiff") and Defendant The Procter & Gamble Company's ("Defendant") joint stipulation, the Court scheduled a case management conference for January 15, 2013, at 10:00 a.m. and ordered the parties to file a joint

case management statement no later than January 8, 2013 (Doc. 37);

WHEREAS, currently, there are five separate lawsuits (including the above-captioned matter) now pending in five different courts, all asserting similar claims based on allegations about marketing Crest Sensitivity Treatment & Protection toothpaste—the other four cases are:

- *Rossi v. The Procter & Gamble Company*, D.N.J., Case No. 2:11-cv-07238-JLL-MAH;
- *Gilbert v. The Procter & Gamble Company*, S.D. Ohio, Case No. 1:12-cv-00040-TSB;
- *Immerman v. The Procter & Gamble Company, et al.*, Case No. 12-cv-779534 (Cuyahoga Cty. C.P.); and
- *Alvandi v. The Procter & Gamble Distributing, LLC*, Case No. BC486938 (Cal. Super.);

WHEREAS, settlement discussions are currently taking place to resolve all five cases;

WHEREAS, based on these settlement discussions, Plaintiff Cherish M. Smith (“Plaintiff”) and Defendant The Procter & Gamble Company (“Defendant”) have previously stipulated to extend Defendant’s time to answer, move, or respond to Plaintiff’s Amended Complaint to February 1, 2013 (Doc. 38);

WHEREAS, other previous time modifications in this case include a Stipulation Extending Defendant’s Time to Answer, Move, or Respond to Complaint to March 29, 2012 (Doc. 11), dated February 28, 2012; a Joint Stipulation and Order for Stay (Doc. 25), dated April 10, 2012; a Stipulation Extending Defendant’s Time to Answer, Move, or Respond to Amended Complaint to December 1, 2012 (Doc. 35), dated November 5, 2012; and a Joint Stipulation and Order Postponing Case Management Conference to January 15, 2013 (Doc. 37), dated November 19, 2012;

WHEREAS, the requested postponement of the case management conference will not otherwise affect the schedule for the case.

IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that the case management conference scheduled on January 15, 2013, be postponed to February 26, 2013, and that a joint case management statement shall be filed no later than February 19, 2013.

IT IS SO STIPULATED.

1 Dated: January 3, 2013

/s/ Benjamin M. Lopatin
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6 *Attorney for Plaintiff Cherish M. Smith*

7 Dated: January 3, 2013

/s/ Kevin D. Boyce
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*Attorneys for Defendant
The Procter & Gamble Company*

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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: January 4, 2013


Magistrate Judge Elizabeth D. Laporte

1 Dated: January 3, 2013

Respectfully submitted,

2 Jones Day

3
4 By: /s/ Kevin D. Boyce

5 Kevin D. Boyce

6 Counsel for Defendant

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Kevin D. Boyce, attest that I obtained the concurrence of Benjamin M. Lopatin in the filing of this document. I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct. Executed this 3rd day of January, 2013, in Cleveland, Ohio.

Dated: January 3, 2013

JONES DAY,

By: /s/ Kevin D. Boyce
Kevin D. Boyce

Attorneys for Defendant
THE PROCTER & GAMBLE CO.